

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

PLAINTIFF

ARZELL WILKERSON

V. DEFENDANT AND THIRD PARTY PLAINTIFF

CAPITAL ONE, ET AL.

THIRD PARTY SUMMONS IN A
CIVIL ACTION

Case Number: #2:05-cv-01192-WKW

V. THIRD PARTY DEFENDANT

ANTHONY WILKERSON

To: Name and address of Third Party Defendant

Mr. Anthony Wilkerson
4375 Wares Ferry Road
Montgomery, AL 36109

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Norman Hurst, Jr.
462-A Sayre Street
Montgomery, AL 36104
334-269-6449

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

C. Ramsey Duck
Starnes & Atchison, LLP
100 Brookwood Place
7th Floor
Birmingham, AL 35209
205-868-6000

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

Debra P. Hackett

CLERK

(By) DEPUTY CLERK

DATE

February 8, 2007

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RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 2-17-07	RECEIVED
NAME OF SERVER Earl Flint	TITLE Process Server	2007 MAR -1 A 9:20

Check one box below to indicate appropriate method of service

- ☒ Served personally upon the third-party defendant. Place where served: **4375 Wares Ferry Rd, Montgomery, AL 36106**
- ☐ Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
- Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

2-17-07
Date

Signature of Server

Earl Flint**CAPITOL INVESTIGATION****5184 Caldwell Mill Road****Suite 204-200**

Address of Server

Birmingham, AL 35244**(205) 991-5134****RETURNED AND FILED****MAR - 1 2007**

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.